APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/551,198	10/31/95	HERZ	F 6099/002

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ART UNIT	PAPER NUMBER
2773	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

	Application No.	Applicant(s)
Office Action Summary	08/551,198	Herz et al
	Examiner	Group Art Unit
	Huynh ba	

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE ____3____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☑ Responsive to communication(s) filed on ____8/17/98____.
☑ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

☑ Claim(s) ____1—34____ is/are pending in the application.

    Of the above claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☑ Claim(s) ____1—34____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 11 9(a)-(d).

    ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

    ☐ received.

    ☐ received in Application No. (Series Code/Serial Number) _____.

    ☐ received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

    *Certified copies not received: _____.

Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____   ☐ Interview Summary, PTO-413

☑ Notice of References Cited, PTO-892   ☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948   ☐ Other _____

Office Action Summary

DETAILED ACTION

1.   The affidavit filed on 8/17/98 under 37 CFR 1.131 is sufficient to overcome the US patent 5,710,884 reference. The finality of the rejection of the last Office action is therefore withdrawn.

Double Patenting

2.   Claims 1-34 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 5,754,939. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to implement bidirectional communication connection in the LAN network disclosed by Dedrick.

Claim Rejections - 35 USC § 103

3.   Claims 1-11, 18-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent #5,717,923 (Dedrick).

- As per claims 1, 18: Dedrick teaches a method for providing a user with access to selected target objects (i.e., "electronic information") that are accessible via electronic storage media, wherein the user is connected via user terminals 12 and communication connections to a target server system 18 which includes the electronic storage media (figure 1), comprising the steps of:

automatically generating target profiles (i.e., "content database", "advertisements", col. 4,

lines 11-15) for the target objects stored in the storage media of server 18, each of the target

profile being generated from the content of the target objects and their associated characteristics

(col. 4, lines 16-18, 44-50),

automatically generating at least a user target profile interest summary ("personal profile

database", col. 5, line 2) for a user at a user terminal, each of the user profile being generated

from target profiles associated with ones of the electronic information accessed by the user

(col. 4, lines 26-43),

enabling user access to the stored electronic information via the target profiles and user

profiles (col. 5, lines 2-3, 24-26).

Dedrick fails to explicitly teach the bidirectional communication connection between the

server and the client, however discloses that client 12 and server 18 can communicate to each

other in both directions (see explanation of figure 1). Bidirectional connections are well known in

communication. It would have been obvious to one of ordinary skill in the art, at the time the

invention was made, to combine the well known bidirectional connections to Dedrick for

establishing bidirectional communication between client 12 and server 18. Motivation of the

combining is for increasing transmission efficiency.

- As per claims 2, 19: The method disclosed by Dedrick includes the step of correlating

the user profile with the target profiles to identify electronic information (col. 5, lines 27-29;

col. 6, lines 34-36).

- As per claims 3, 5, 20, 22: The method disclosed by Dedrick further includes the steps of

transmitting a list of identified target objects ("titles) to the user and allowing the user to select

and retrieve one of the target objects (col. 9, lines 12).

- As per claims 4, 8-9, 21, 25-26: Dedrick fails to explicitly teach that the user selection

signal is transmitted over a bidirectional communication connection. However, bidirectional

communication is well known in communication network, and since Dedrick suggested that client

and server terminals can communicate in both direction. It would have been obvious to one of

ordinary skill in the art, at the time the invention was made, to implement the bidirectional

communication connection for transmitting signals between client and server. Motivation of the

implement is for providing communication in both directions as suggested by Dedrick set forth

above.

- As per claims 6, 23:   The list of electronic information ("titles") is transmitted to the

user before user selection of the information (col. 8, lines 20-36, lines 40-46).

- As per claims 7, 24:   The method disclosed by Dedrick further includes the steps of

transmitting a list of identified target objects ("titles) to the user and allowing the user to select

and retrieve one of the target objects (col. 9, line 12). Electronic information is transmitted to a

server 14 which is closer to the client computer 12 (figure 1).

- As per claims 10, 27: Per Dedrick, the target object includes a document having at least

one page (col. 4, lines 29-31). Dedrick fails to explicitly teach that the user profile includes data

indicating the number of page of the retrieve document accessed by the user. However, since the

number of pages accessed by the user is an attribute of the user profile indicating a user

preference, it would have been obvious to one of ordinary skill in the art, at the time the invention

was made, to include the number of pages accessed by the user as a user preference in the user

profile. Motivation of the implementation is for filtering and monitoring the amount of data

accessible to the user.

  - As per claims 11, 28: Dedrick discloses the monitoring user's usage time (col. 8,

lines 32-52), updating the user profile according to the monitored activities (col. 5, lines 52-58).

Thus it appears that the user profile includes the time attribute as one of the user preference.

Even if it is not, it would have been obvious to one of ordinary skill in the art, at the time the

invention was made, to include time as an attribute of the user profile. Motivation of the

implementation is for filtering those subjects the user spend time in most.

4.   Claims 12-17, 29-34 are rejected under 35 U.S.C. § 103 as being unpatentable over

Dedrick as applied to claims 1 and 18 above, and further in view of Cutting et al (Scatter/Gather:

A Cluster-based Approach to Browsing Large Document Collections).

  - As per claims 12, 29: Dedrick fails to clearly teach the sorting of target objects and

target object characteristics based on similarity of contents, and generating a hierarchical menu

that identifies a content in common of target objects and target object characteristics sorted into

clusters. However, in the same art of information retrieving, Cutting et al. teach the method for

sorting information into clusters based on similarity of its contents and presenting a hierarchical

menu that identifies a content in common (Page 319, "Scatter/Gather Browsing"; Page 320,

"Document Clustering"). Thus it would have been obvious to one of ordinary skill in the art, at

the time the invention was made, to combine Cutting's clustering method to Dedrick for enabling

a user to identify the desirable target object. Motivation of the combining is for the advantage of

being easier and more effective to retrieve information as expressly suggested by Cutting et al in

the conclusion remarks (page 325).

    - As per claims 13, 15, 30, 32: The summary of the clusters is a profile having cluster

attribute data to be considered by the user (page 319, col. 2, section 2). The profile is provided to

each cluster produced during each successive clustering iteration (page 319, section 2)

    - As per claims 14, 31: Target objects are divided and subdivided into multi-level

hierarchy (Page 319, "Scatter/Gather Browsing"; Page 320, "Document Clustering").

    - As per claims 16, 33: Document clustering includes identifying of words (Page 320,

"Document Clustering").

    - As per claims 17, 34: The target object that is closest to the center of the cluster is

selected (page 322, section 4). A cluster profile which is a short description of the content of the

cluster is generated for the target objects sorted into the cluster (section 4.1). It would appears

that the title of the selected target object and a set of words contained in the target profile is

implicitly included in the short description of the cluster. Even if it is not the case, it would have

been obvious to one of ordinary skill in the art, at the time the invention was made, to include the

title of the selected target object and a set of words contained in the target profile in the short

description of the cluster. Motivation of the implementation is for identifying the cluster.

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office

action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Inquires

Responses to this action should be mailed to: Commissioner of Patents and Trademarks,
Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for
formal communications or (703) 305-9724 for informal or draft communications. NOTE: A
Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huynh-Ba whose telephone number is (703) 305-9794. The examiner can normally be reached on Monday-Friday from 8.00AM to 4.30PM.
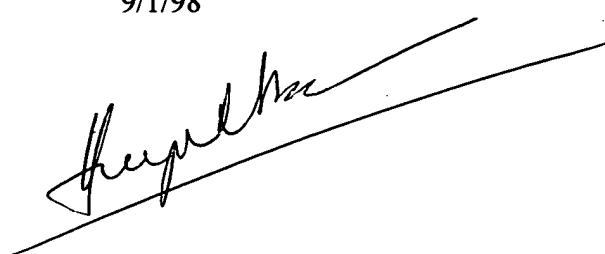
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim, can be reached on (703) 305-3821.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**mat.kim@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Huynh-Ba
Primary Examiner
Art Unit 2773
9/1/98